

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 22-CR-10038-IT
)	
ARIEL LEGASSA)	

Supplement to Motion To Continue Trial

Defendant Ariel Legassa hereby supplements his Motion to Continue Trial. Mr. Legassa is pleased to see that the government's "Opposition" to his motion to continue trial is actually an assent despite the title. To the extent the government has asked for a shorter continuance than Mr. Legassa needs, he supplements his motion to make clear that undersigned counsel cannot be ready to try this case until October 16, 2023.

Counsel is a sole practitioner in the truest sense of that phrase. He is solely responsible for drafting every pleading, appearing in every court, and examining every witness at a trial. Counsel currently has 18 open and active cases. Four of them are scheduled to commence trial between April 3 and July 17. None of those cases will be resolved by plea.

Trial of this matter presently is scheduled for April 3.

On May 2, 2023, counsel starts a one-week murder trial in the Norfolk Superior Court in the matter of *Commonwealth v. Fahey*, Norfolk Sup. Ct. No. 2015 CR 00337. This is a pre-COVID case indicted in 2015. The defendant is not in custody. Counsel will need the weeks preceding May 2 to be ready.

From May 12 to May 23, 2023, counsel will be out of the country.

On June 5, 2023, counsel starts a three-defendant two-week murder trial in the matter of *Commonwealth v. Wright*, Suffolk Sup. Ct. No. 2017 CR 00456. This is a pre-COVID case indicted in 2017. The defendant is in custody. Counsel was ready for trial in September 2019 and has objected to every continuance of that trial since then, which were sought and obtained by other parties.

On July 17, 2023, counsel starts a three-week murder trial in the matter of *Commonwealth v. Arrington*, Suffolk Sup. Ct. No. 2016 CR 00824. This is a pre-COVID case indicted in 2016. The defendant is in custody. The Commonwealth has represented to the court that it intends to actually call 25-30 witnesses.

Counsel will still be on trial in the *Arrington* matter on August 1, 2023, the first date the government asks that the court reschedule the trial of this matter. Counsel cannot try this case then, or on other dates the court may have available in August or early September because counsel will not have had sufficient time to prepare due to his trial schedule as described above and personal obligations in May and August.

The court's next available date appears to be October 16, 2023, which is the date Mr. Legassa has requested.

As the discussion above makes painfully clear, counsel's request to continue this trial is far from strategic. It is necessary if counsel is to be able to put forth his best effort to give Mr. Legassa the robust, aggressive, and zealous defense he deserves, which counsel is, of course, ethically obligated to provide.

ARIEL LEGASSA

By his attorney,

/s/ E. Peter Parker

E. Peter Parker

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Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on February 16, 2023.

/s/ E. Peter Parker

E. Peter Parker